

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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EMMANUEL EVARISTE,  
Plaintiff,

v.

BRISTOL COUNTY SHERIFF'S OFFICE,  
Defendants.

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Civil No. 19-10671-JCB

ORDER

May 10, 2019

Boal, M.J.

On April 8, 2019, Plaintiff Emmanuel Evariste, an immigration detainee now in custody at the Bristol County Jail and House of Correction, filed a complaint against the Bristol County Sheriff's Office. *See* Docket No. 1. By Procedural Order dated April 9, 2019, Evariste was ordered either to pay the filing fee or file a motion for leave to proceed *in forma pauperis*. *See* Docket No. 2.

Now before the Court are Evariste's motion for leave to proceed *in forma pauperis*, motion to amend and proposed amended complaint. *See* Docket Nos. 5 – 6.

Accordingly, it is hereby ORDERED that:

- (1) Plaintiff's Motion to Proceed *in forma pauperis* (Docket No. 5) is ALLOWED;
- (2) Plaintiff's Motion to Amend (Docket No. 6) is ALLOWED and the Clerk is directed to enter on the docket the proposed amended complaint (Docket No. 6-1) as plaintiff's amended complaint;
- (3) The Clerk shall provide the plaintiff with the form for Consent/Refusal of Magistrate Judge Jurisdiction and the instructions for that form ("consent package");

(4) The Clerk shall issue a summons for service of the defendants and the plaintiff shall serve the summons, amended complaint, consent package, and this Order in accordance with Rule 4 of the Federal Rules of Civil Procedure;

(5) Because the plaintiff is proceeding *in forma pauperis*, he may elect to have the United States Marshals Service (“USMS”) complete service with all costs of service to be advanced by the United States. If so asked by the plaintiff, the USMS shall serve copies of the summons, complaint, the consent package, and this Order upon the defendants as directed by plaintiff. The plaintiff is responsible for providing the USMS all copies for service and for completing a USM-285 form for each party to be served. The Clerk shall provide the plaintiff with forms and instructions for service by the USMS; and

(6) The plaintiff shall have 90 days from the date of the issuance of the summons to complete service.

SO ORDERED.

/s/ Jennifer C. Boal  
JENNIFER C. BOAL  
United States Magistrate Judge